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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/747,713

12/22/2000

Steven M. Burns

EH-10443

4298

7590

09/26/2006

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EXAMINER

RACHUBA, MAURINA T

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. Applicant's amendment has overcome the rejection under 35 USC 112.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Highberg, 3,236,009. Please see figure 1, table 2, and column 7, lines 47 through column 8, lines 61.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 7-9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liebke et al, 5,702,288 in view of Highberg, 3,236,009. Please refer to column 4, lines 10 through column 5, lines 35. '288 discloses a method for preparing a substrate, for any further processing, comprising removing material from a surface, the surface having a layer of MCrAlY coating, applied by EBPVD. The coating is adherent, (column 4, lines 5-6). '288 does not disclose that the material removal is progressively decreased during the process. '009, teaches removing material from a workpiece at a progressively decreasing rate. It would have been obvious to one of ordinary skill to have provided the process of '288 with the decreasing rate of material removal taught by '009, figure 1, table 2, and column 7, lines 47 through column 8, lines 61, to ensure long life to the tool, and excellent results with economy to the entire process, see column 8, lines 63-74.

### ***Response to Arguments***

7. Applicant's arguments, see page 5, lines 19-21, filed 19 July 2006, with respect to claims 1, 7-9 and 18 have been fully considered and are persuasive. The rejection of claims 1, 7-9 and 19 under 35 USC 102 over Liebke et al has been withdrawn. A new grounds of rejection, based on Highberg, alone or combined with Liebke et al, is set forth above. This action is made non-final to provide applicant fair opportunity to respond to the new grounds of rejection.

**Conclusion**

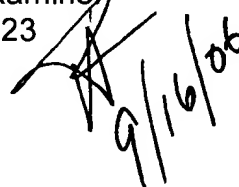
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Rachuba whose telephone number is 571-272-4493.

The examiner can normally be reached on Monday-Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M Rachuba  
Primary Examiner  
Art Unit 3723

Handwritten signature and date 9/16/06.